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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,770

04/09/2004

Ichiro Koiwa

OKI.651

8824

20987 7590 11/29/2007  
VOLENTINE & WHITT PLLC  
ONE FREEDOM SQUARE  
11951 FREEDOM DRIVE SUITE 1260  
RESTON, VA 20190

EXAMINER

HOANG, QUOC DINH

ART UNIT

PAPER NUMBER

2818

MAIL DATE

DELIVERY MODE

11/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

21

<b>Office Action Summary</b>	<b>Application No.</b> 10/820,770	<b>Applicant(s)</b> KOIWA, ICHIRO	
	<b>Examiner</b> Quoc D. Hoang	<b>Art Unit</b> 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-8, 15 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 19-22 and 24-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 7, 8, 15, 18, 23 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/12/2007 has been entered.

### ***Response to Amendment***

2. Amendment filed on 10/12/2007 has been entered. Claims 1, 9-14, 16, 17 have been canceled. Claims 2-8, 15, and 18-27 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 7, 8, 15, 18, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki et al., (US Pat No. 6,033,953) (hereinafter "Aoki") in view of Lu., (US Pat No. 5,679,596).

**Regarding claim 2,** Aoki teaches a ferroelectric capacitor comprising:

a bottom electrode (38) (col. 1, lines 14-57 and Fig. 14);

a plurality of projection electrodes (convex parts 38a) formed on the bottom electrode (col. 1, lines 14-57 and Fig. 14);

a ferroelectric layer (40) formed on the bottom electrode and the projection electrodes (col. 1, lines 14-57 and Fig. 14); and

a top electrode (37) formed on the ferroelectric layer, wherein a thickness of the ferroelectric layer on the projection electrodes is less than a thickness of the ferroelectric layer on the bottom electrode (col. 1, lines 14-57 and Fig. 14).

Aoki teaches a plurality of projection electrodes, but fails to teach wherein spacing between central portions of each projection electrode has a range from 10 % to 20% of a size of the ferroelectric capacitor.

However, Lu teaches wherein spacing between central portions of each projection electrode (14b) has a range from 1.5 % to 75% of a size of the ferroelectric capacitor (col. 4, line 50 through col. 5, line 65 and Fig. 5). *It is noted that the size of the ferroelectric capacitor is considered the width (2,000-10,000 Å) of the bottom electrode 11 (col. 4, lines 40-43), the width of the projection electrode 14b is between about 50-500 Å (col. 5, lines 17-18), and the spaces 14a between the projection electrode 14b are between about 100-1000 Å (col. 5, lines 19-21). Hence, after calculating, the spacing between central portions of each projection electrode 14b has a range from 1.5 % to 75% of a size of the ferroelectric capacitor.* Since Aoki and Lu are all from the same field of endeavor, the purpose disclosed by Lu would have been recognized in the pertinent art of Aoki. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide spacing between central portions of each

projection electrode in order to increase the surface area of the bottom electrode, therefore to obtain the desired increased capacitance as taught by Lu, column 5, lines 24 through col. 6, line 3. Although Lu's percentage range (1.5 % to 75%) is not the claimed range (10 % to 20%), this does not define patentable over Aoki in view of Lu since it has been held where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. In re Aller, 105 USPQ 233.

**Regarding claim 3**, Aoki teaches a ferroelectric capacitor comprising:

a bottom electrode (38) (col. 1, lines 14-57 and Fig. 14);

a plurality of projection electrodes (convex parts 38a) formed on the bottom electrode (col. 1, lines 14-57 and Fig. 14);

a ferroelectric layer (40) formed on the bottom electrode and the projection electrodes (col. 1, lines 14-57 and Fig. 14); and

a top electrode (37) formed on the ferroelectric layer, wherein a thickness of the ferroelectric layer on the projection electrodes is less than a thickness of the ferroelectric layer on the bottom electrode (col. 1, lines 14-57 and Fig. 14).

Aoki teaches a plurality of projection electrodes, but fails to teach wherein wherein a size of each projection electrode has a range from 5 % to 10% of a size of the ferroelectric capacitor.

However, Lu teaches wherein a size of each projection electrode (14b) has a range from 0.5 % to 25% of a size of the ferroelectric capacitor (col. 4, line 50 through col. 5, line 65 and Fig. 5). *It is noted that the size of the ferroelectric capacitor is*

*considered the width (2,000-10,000 Å) of the bottom electrode 11 (col. 4, lines 40-43), the size of each projection electrode is considered the width of the projection electrode 14b, which is between about 50-500 Å (col. 5, lines 17-18). Hence, after calculating, a size of each projection electrode has a range from 0.5 % to 25% of a size of the ferroelectric capacitor. Since Aoki and Lu are all from the same field of endeavor, the purpose disclosed by Lu would have been recognized in the pertinent art of Aoki. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide a size of each projection electrode has a range from 5 % to 10% of a size of the ferroelectric capacitor in order to increase the surface area of the bottom electrode, therefore to obtain the desired increased capacitance as taught by Lu, column 5, lines 24 through col. 6, line 3. Although Lu's percentage range (0.5 % to 25%) is not the claimed range (5 % to 10%), this does not define patentable over Aoki in view of Lu since it has been held where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. In re Aller, 105 USPQ 233.*

**Regarding claim 7,** Aoki teaches a ferroelectric capacitor comprising:

a bottom electrode (38) (col. 1, lines 14-57 and Fig. 14);

a plurality of projection electrodes (convex parts 38a) formed on the bottom electrode (col. 1, lines 14-57 and Fig. 14);

a ferroelectric layer (40) formed on the bottom electrode and the projection electrodes (col. 1, lines 14-57 and Fig. 14); and

a top electrode (37) formed on the ferroelectric layer, wherein a thickness of the ferroelectric layer on the projection electrodes is less than a thickness of the ferroelectric layer on the bottom electrode (col. 1, lines 14-57 and Fig. 14).

Aoki teaches a plurality of projection electrodes, but fails to teach wherein the projection electrodes are arranged evenly spaced on the bottom electrode.

However, Lu teaches wherein the projection electrodes (14b) are arranged evenly spaced on the bottom electrode 11 (col. 4, line 50 through col. 5, line 65 and Fig. 5). *It is noted that the evenly spaced between the projection electrodes 14b is the width of the crevice or space 14a (col. 5, lines 19-21).* Since Aoki and Lu are all from the same field of endeavor, the purpose disclosed by Lu would have been recognized in the pertinent art of Aoki. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide evenly spaced between the projection electrodes in order to increase the surface area of the bottom electrode, therefore to obtain the desired increased capacitance as taught by Lu, column 5, lines 24 through col. 6, line 3. Also, the limitations "so that cores of polarization inversion within the ferroelectric layer extend from the projection electrodes" is considered an intended use of the claimed invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

**Regarding claim 8**, Aoki teaches wherein the bottom electrode 38 and the projection electrodes 38a are made of a same material (platinum) (col. 1, lines 50-55 and Fig. 14).

**Regarding claim 15**, Aoki teaches a ferroelectric capacitor comprising:

- a first electrode (38) (col. 1, lines 14-57 and Fig. 14);
- a second electrode (37) (col. 1, lines 14-57 and Fig. 14);
- a plurality of third electrodes (convex parts 38a) on the first electrode;
- a ferroelectric layer (40) which is sandwiched between the first electrode and the second electrode, and on the third electrodes, wherein a thickness of the ferroelectric layer on the third electrodes is less than a thickness of the ferroelectric layer on the second electrode (col. 1, lines 14-57 and Fig. 14);

Aoki teaches a plurality of third electrodes, but fails to teach wherein the third electrodes are arranged evenly spaced.

However, Lu teaches wherein the third electrodes (14b) are arranged evenly spaced (col. 4, line 50 through col. 5, line 65 and Fig. 5). *It is noted that the evenly spaced between the projection electrodes 14b is the width of the crevice or space 14a (col. 5, lines 19-21).* Since Aoki and Lu are all from the same field of endeavor, the purpose disclosed by Lu would have been recognized in the pertinent art of Aoki. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide evenly spaced between the third electrodes in order to increase the surface area of the first electrode, therefore to obtain the desired increased capacitance as taught by Lu, column 5, lines 24 through col. 6, line 3. Also, the



limitations "so that cores of polarization inversion within the ferroelectric layer extend from the third electrodes" is considered an intended use of the claimed invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

**Regarding claim 18**, Aoki teaches wherein the first electrode (38) and the third electrodes (38a) are made of a same material (platinum) (col. 1, lines 50-55 and Fig. 14).

**Regarding claim 23**, Aoki teaches wherein the bottom electrode 38 and the projection electrodes 38a are made of a same material (platinum) (col. 1, lines 50-55 and Fig. 14).

**Regarding claim 27**, Aoki teaches wherein the bottom electrode 38 and the projection electrodes 38a are made of a same material (platinum) (col. 1, lines 50-55 and Fig. 14).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc Hoang whose telephone number is (571) 272-1780. The examiner can normally be reached on Monday-Friday from 8.00 AM to 5.00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Loke can be reached on (571) 272-1657. The fax phone numbers of

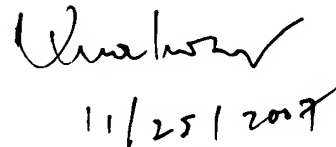
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the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc Hoang  
Patent examiner/AU 2818



11/25/2007

**QUOC D. HOANG**  
**PRIMARY PATENT EXAMINER**